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BEFORE THE ARIZONA CORPORATION COMMISSION

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Arizona Corporation Commission

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AZ CORP COMMISSION
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IN THE MATTER OF THE APPLICATION OF
WICKENBURG RANCH WATER, LLC, AN
ARIZONA LIMITED LIABILITY COMPANY, FOR
APPROVAL OF THE SALE OF ASSETS AND FOR
CANCELLATION OF THE CERTIFICATE OF
CONVENIENCE AND NECESSITY.

DOCKET NO. W-03994A-16-0025

IN THE MATTER OF THE APPLICATION OF
WICKENBURG RANCH WASTEWATER, LLC, AN
ARIZONA LIMITED LIABILITY COMPANY, FOR
APPROVAL OF THE SALE OF ASSETS AND FOR
CANCELLATION OF THE CERTIFICATE OF
CONVENIENCE AND NECESSITY.

DOCKET NO. SW-20769A-16-0026

PROCEDURAL ORDER
(Schedules Hearing)

BY THE COMMISSION:

Pursuant to authority granted by the Arizona Corporation Commission (“Commission”), Wickenburg Ranch Water, LLC (“WRW”) and Wickenburg Ranch Wastewater, LLC (“WRWW”) (“Applicants”) were each granted a Certificate of Convenience and Necessity (“Certificate”) to provide water and wastewater service in Yavapai County, in the vicinity of the Town of Wickenburg, Arizona (“Town”).¹

On January 25, 2016, WRW and WRWW (“Applicants”) each filed an Application requesting approval from the Commission for the sale of their assets and cancellation of their respective Certificates.

On February 3, 2016, the Commission’s Utilities Division (“Staff”) filed a Motion to Consolidate (“Motion”) the above-captioned proceedings pursuant to Arizona Administrative Code (“A.A.C.”) R14-3-109(H) because of interrelated issues in both proceedings and because the parties would not be prejudiced by consolidating the proceedings.

On February 8, 2016, counsel for the Applicants filed a response stating their agreement with

¹ See Decision No. 64252 (December 4, 2001) for WRW and Decision No. 72488 (July 25, 2011) for WRWW.

1 Staff's Motion.

2 On February 9, 2016, by Procedural Order, the above-captioned proceedings were consolidated.

3 On February 24, 2016, Staff issued a Letter of Insufficiency which was subsequently amended
4 on February 25, 2016, which notified WRW and WRWW that Staff needed additional information to
5 determine sufficiency requirements as outlined in the Arizona Administrative Code ("A.A.C") and
6 included a list of information that was required.

7 On March 24, 2016, WRW and WRWW filed an Affidavit of Mailing stating that notice of
8 their Applications had been mailed to their customers on March 17, 2016.

9 Additionally, on March 24, 2016, WRW and WRWW filed a Response to Insufficiency Letter,
10 including several attachments.

11 On April 20, 2016, WRW and WRWW filed Notice and Publication showing that notice of the
12 Applications had been published in the *Wickenburg Sun* on April 6, 2016.

13 On April 21, 2016, Staff issued a Sufficiency Letter stating that Staff had determined that
14 WRW's and WRWW's Applications, with the additional documents filed on March 24, 2016, met the
15 minimum sufficiency requirements of the A.A.C.

16 Accordingly, a Procedural Order should be issued to schedule an evidentiary hearing and to
17 establish the other procedural requirements to govern the process for this matter.

18 IT IS THEREFORE ORDERED that the **hearing** in this matter shall commence on **June 23,**
19 **2016, at 9:30 a.m.,** or as soon thereafter as is practicable, at the Commission's offices, Hearing Room
20 No. 1, 1200 West Washington, Phoenix, Arizona 85007.

21 IT IS FURTHER ORDERED that **intervention** shall be in accordance with A.A.C. R14-3-105,
22 except that all motions to intervene must be filed on or before **May 20, 2016.**

23 IT IS FURTHER ORDERED that any **motion to intervene shall conform** to the requirements
24 of A.A.C. R14-3-105 and this Procedural Order.

25 IT IS FURTHER ORDERED that any **objections to intervention** shall be filed on or before
26 **May 31, 2016.**

27 IT IS FURTHER ORDERED that **WRW and WRWW shall, by May 10, 2016, mail** a copy
28 of the following notice by first class U.S. Mail **to each customer and each owner of land** within its

Certificated service area **and cause the following notice to be published in a newspaper(s) of general circulation** in its Certificated service area, in the following form and style, with the heading in no less than 10-point bold type and the body in no less than 8-point regular type:

**PUBLIC NOTICE OF HEARING ON
APPLICATION OF WICKENBURG RANCH WATER, LLC
AND WICKENBURG RANCH WASTEWATER, LLC
FOR APPROVAL OF SALE OF STOCK & CANCELLATION OF
THEIR CERTIFICATES OF CONVENIENCE AND NECESSITY.
(Docket Nos. W-03994A-16-0025 AND SW-20769A-16-0026)**

Summary

On January 25, 2016, Wickenburg Ranch Water, LLC ("WRW") and Wickenburg Ranch Wastewater, LLC ("WRWW") ("Applicants") filed with the Arizona Corporation Commission ("Commission") Applications for the Sale of Assets and Cancellation of Certificates of Convenience and Necessity ("Applications"). Their Applications state that WRW and WRWW and the Town of Wickenburg ("Town") have entered into an Asset Purchase Agreement through which the Town agrees to acquire all of their assets currently used to conduct their business operations, and WRW and WRWW agree to obtain approval of the sale of assets and cancellation of their Certificates of Convenience and Necessity ("Certificates").

If WRW's and WRWW's Applications are approved, the Town will take over water and wastewater utility service for all of their current customers and will be the only water and wastewater utility service providers for what is now WRW's and WRWW's Certificated service areas. The Town is not regulated by the Commission and would set the rates and charges for its services independently.

The Commission's Utilities Division ("Staff") is in the process of auditing and analyzing WRW's and WRWW's Applications and has not yet made any recommendations. The Commission is not bound by the proposals made by the utilities, Staff, or any intervenor. The Commission will issue a Decision regarding WRW's and WRWW's Application following consideration of testimony and evidence provided at an evidentiary hearing.

How You Can View or Obtain a Copy of the Application

Copies of the Application are available from WRW & WRWW [COMPANY INSERT HOW AND WHERE AVAILABLE] and at the Commission's Docket Control Center at 1200 West Washington Street, Phoenix, Arizona 85007, for public inspection during regular business hours, and on the Internet via the Commission's website (www.azcc.gov) using the e-Docket function.

Public Hearing Information

The Commission will hold a hearing on this matter beginning **June 23, 2016, at 9:30 a.m.**, in Hearing Room No. 1, at the Commission's offices at 1200 West Washington Street, H.R. No. 1, Phoenix, Arizona 85007. Public comments will be taken on the first day of hearing. Written public comments may be submitted at any time on the Commission's website (www.azcc.gov) using the "Submit a Public Comment" function or by mailing a letter, referencing **Docket Nos. W-03994A-16-0025 and SW-20769A-16-0026**, to the Arizona Corporation Commission, Consumer Services Section, 1200 West Washington Street, Phoenix, AZ 85007. If you require assistance, you may contact the Consumer Services Section at 1-800-222-7000 or 602-542-4251.

About Intervention

The law provides for an open public hearing at which, under appropriate circumstances, interested persons may intervene. An interested person may be granted intervention if

the outcome of the case will directly and substantially impact the person, and the person's intervention will not unduly broaden the issues in the case. Intervention, among other things, entitles a party to present sworn evidence at hearing and to cross-examine other parties' witnesses. However, failure to intervene will not preclude any interested person or entity from appearing at the hearing and providing public comment on the Applications or from filing written comments in the record of the case.

To request intervention, you must file an **original and 13 hard copies** of a written request to intervene with Docket Control, 1200 West Washington, Phoenix, AZ 85007, **no later than May 20, 2016**. You also **must** serve a copy of the request to intervene on each party of record, on the same day that you file the request to intervene with the Commission. Information about intervention and sample intervention requests are available on the Commission's website (www.azcc.gov) using the "Intervention in Utility Cases" link.

Your request to intervene must contain the following:

1. Your name, address, and telephone number, and the name, address, and telephone number of any person upon whom service of documents is to be made, if not yourself;
2. A reference to **Docket Nos. W-03994A-16-0025 and SW-20769A-16-0026**;
3. A short statement explaining:
 - a. Your interest in the proceeding (e.g., a customer of the utility, etc.),
 - b. How you will be directly and substantially affected by the outcome of the case, and
 - c. Why your intervention will not unduly broaden the issues in the case;
4. A statement certifying that you have served a copy of the request to intervene on the utility or its attorney and all other parties of record in the case; and
5. If you are not represented by an attorney who is an active member of the Arizona State Bar, and you are not representing yourself as an individual, sufficient information and any appropriate documentation to demonstrate compliance with Arizona Supreme Court Rules 31, 38, 39, and 42, as applicable.

The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except that all motions to intervene must be filed on or before May 20, 2016. If representation by counsel is required by Arizona Supreme Court Rule 31, intervention will be conditioned upon the intervenor obtaining counsel to represent the intervenor.

ADA/Equal Access Information

The Commission does not discriminate on the basis of disability in admission to its public meetings. Persons with a disability may request a reasonable accommodation such as a sign language interpreter, as well as request this document in an alternative format, by contacting the ADA Coordinator, Shaylin Bernal, E-mail SABernal@azcc.gov, voice phone number 602-542-3931. Requests should be made as early as possible to allow time to arrange the accommodation.

IT IS FURTHER ORDERED that **WRW and WRWW shall file certification of mailing and publication** as soon as practicable after the mailing and publication has been completed, but **no later than May 17, 2016**.

IT IS FURTHER ORDERED that notice shall be deemed complete upon mailing/publication of same, notwithstanding the failure of an individual to read or receive the notice.

1 IT IS FURTHER ORDERED that Staff shall file its **Staff Report** and associated exhibits to be
2 presented at the hearing on or before **May 25, 2016**.

3 IT IS FURTHER ORDERED that any **objection or response to the Staff Report** from WRW
4 and WRWW or any intervenor shall be made in writing and filed on or before **June 6, 2016**.

5 IT IS FURTHER ORDERED that, as permitted under A.A.C. R14-3-107(B), each party to this
6 matter may opt to receive service of all filings in this docket, including all filings by parties and all
7 Procedural Orders and Recommended Opinions and Orders/Recommended Orders issued by the
8 Commission's Hearing Division, via email sent to an email address provided by the party rather than
9 via U.S. Mail. To exercise this option, a party shall:

- 10 1. Ensure that the party has a valid and active email address to which the party has regular
11 and reliable access ("designated email address");
- 12 2. Complete a Consent to Email Service using the form available on the Commission's
13 website (www.azcc.gov) or a substantially similar format;
- 14 3. File the original and 13 copies of the Consent to Email Service with the Commission's
15 Docket Control, also providing service to each party to the service list;
- 16 4. Send an email, containing the party's name and the docket number for this matter, to
17 HearingDivisionServicebyEmail@azcc.gov from the designated email address, to allow
18 the Hearing Division to verify the validity of the designated email address;
- 19 5. Understand and agree that service of a document on the party shall be complete upon
20 the sending of an email containing the document to the designated email address,
21 regardless of whether the party receives or reads the email containing the document;
22 and
- 23 6. Understand and agree that the party will no longer receive service of filings in this
24 matter through First Class U.S. Mail or any other form of hard-copy delivery, unless
25 and until the party withdraws this consent through a filing made in this docket.

26 IT IS FURTHER ORDERED that a party's consent to email service shall not become effective
27 until a Procedural Order is issued approving the use of email service for the party. The Procedural
28

1 Order shall be issued only after the party has completed steps 1 through 4 above, and the Hearing
2 Division has verified receipt of an email from the party's designated email address.

3 IT IS FURTHER ORDERED that a party's election to receive service of all filings in this matter
4 via email does not change the requirement that all filings with the Commission's Docket Control must
5 be made in hard copy and must include an original and 13 copies.

6 IT IS FURTHER ORDERED that all parties must comply with Arizona Supreme Court Rules
7 31, 38, 39, and 42 and A.R.S. § 40-243 with respect to the practice of law and admission *pro hac vice*.

8 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113 - Unauthorized
9 Communications) applies to this proceeding and shall remain in effect until the Commission's Decision
10 in this matter is final and non-appealable.

11 IT IS FURTHER ORDERED that any motion filed in this matter, other than a motion to
12 intervene, that is not ruled upon by the Commission within 20 calendar days of the filing date of the
13 motion shall be deemed denied.

14 IT IS FURTHER ORDERED that any response to a motion, other than a motion to intervene,
15 shall be filed within five calendar days of the filing date of the motion.

16 IT IS FURTHER ORDERED that any reply related to a motion shall be filed within five
17 calendar days of the filing date of the response to the motion.

18 IT IS FURTHER ORDERED that the time periods specified herein shall not be extended
19 pursuant to Civil Procedure Rule 6(a) or (e).

20 IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance
21 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Arizona
22 Supreme Court Rule 42). Representation before the Commission includes the obligation to appear at
23 all hearings, procedural conferences, and Open Meetings for which the matter is scheduled for
24 discussion, unless counsel has previously been granted permission to withdraw by the Administrative
25 Law Judge or Commission.


26 ...

27 ...

28 ...

IT IS FURTHER ORDERED that the Administrative Law Judge may rescind, alter, amend, or waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

DATED this 25th day of April, 2016.


MARC E. STERN
ADMINISTRATIVE LAW JUDGE

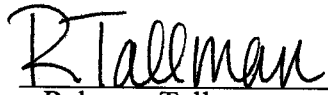
Copies of the foregoing mailed/delivered this 25th day of April, 2016 to:

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By: 
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